UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to:
2003/00897

July 30, 2003

Tim Reuwsaat
District Manager
Bureau of Land Management, Medford District
3040 Biddle Road
Medford, OR 97504

Re: Endangered Species Act Section 7 Informal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Rogue River Fuel Hazard Reduction Project, Josephine County, Oregon

Dear Mr. Reuwsaat:

This correspondence is in response to your July 11, 2003, request for consultation under the Endangered Species Act (ESA) for the proposed Medford District Bureau of Land Management (MBLM) Rogue River Fuel Hazard Reduction Project in the Lower Rogue River HUC-4 watershed. Additionally, this letter serves to meet the requirements for consultation under the Magnuson Stevens Fishery Conservation and Management Act (MSA).

ENDANGERED SPECIES ACT

On July 14, 2003, NOAA's National Marine Fisheries Service (NOAA Fisheries) received a complete biological assessment (BA) describing the project and its effects, maps detailing the project location, and a written request for concurrence with a determination that the proposed action is "not likely to adversely affect" (NLAA) Southern Oregon/Northern California (SONC) coho salmon (*Oncorhynchus kisutch*). A field trip to the project area took place on June 4, 2003.

NOAA Fisheries listed SONC coho salmon as threatened under the ESA on May 6, 1997 (62 FR 24588), with critical habitat designated on May 5, 1999 (64 FR 54049). Interim protective regulations for SONC coho were issued under section 4(d) of the ESA on July 18, 1997 (62 FR 38479). This consultation is undertaken under section 7(a)(2) of the ESA, and its implementing regulations, 50 CFR Part 402.

The proposed action occurs in the Hellgate Recreational Section of the Rogue National Wild and Scenic River (Dunn and Applegate reaches), a HUC-6 watershed within the Rogue-Recreation HUC-5 watershed. The hazardous fuels reduction project occurs along 27 miles of the Rogue River, approximately a quarter mile on either side of the river. Other streams and watersheds

occur in the project area, but only at their confluences with the Rogue River and extending 1/4 mile upstream. Streams include Grave, Galice, Taylor, Stratton, Hog, Jumpoff Joe, Pickett, Shan, Limpy, Dutcher, Madams, and Pass Creeks, and the Applegate River. Coho salmon critical habitat exists in the Rogue River and all of the above mentioned tributaries. Coho salmon are present in the Rogue River, the Applegate River, and at least eight of the tributary creeks. The MBLM is proposing fuel reduction treatments on 7,732 acres, with 4,270 acres within riparian reserves and 3,462 acres outside.

The fuel reduction project along the river corridor involves approximately 190 residences and three communities at risk from wildfire, as designated by the National Fire Plan. The area within the project has been divided into four zones: (1) The home ignition zone that extends outward from structures 50 to 200 feet, depending on topography; (2) the defense zone extending outward from structures about 0.25 miles; (3) the threat zone that extends beyond the defense zone about 1.25 miles; and (4) a general forest zone, that encompasses the remainder of the project. The home ignition zone will receive the most intensive fuel reduction treatment designed to prevent structures from catching fire during a wildfire. MBLM will complete vegetative treatments around all structures on its lands within the project area. Where MBLM has a scenic easement associated with this recreational corridor of the Rogue River, it will work collaboratively with supportive landowners. The defense zone is designed to protect loss of life and property by creating a broader defensible space around homes and communities at risk. Approximately 1,523 acres are within the defense zone. The threat zone is intended to interrupt fire spread and reduce intensity before a wildfire is able to reach the defense and home ignition zones. The threat zone will receive a lesser amount of fuel reduction than the defense and home ignition zones. Approximately 2,567 acres are within the threat zone. Fuel reduction at an even lower level will occur within the general forest zone providing some protection to adjacent forest lands from fires initiated within the corridor. Approximately 657 acres of the project arewithin the general forest zone. The MBLM will engage the three communities at risk within the home ignition and defense zones in a collaborative process to create neighborhood fire plans. These neighborhood fire plans will follow all of the Project Design Features (PDFs) in the BA and Environmental Assessment (EA) for the project, but will allow for a lesser amount of fuel reduction if the citizens in those communities so desire.

A no-treatment zone of 50 feet will be maintained along all streams. All trees greater than 8 inches diameter at breast height (dbh) within 75 feet of perennial streams will be retained. All trees greater than 12 inches dbh within 150 feet of any stream will be retained. Outside of 150 feet from streams, trees with a dbh of 12 to 21 inches may be removed where necessary to reduce bulk crown density and prevent crown fires, but a canopy closure of 60% would be retained. Where the existing canopy closure is less than 60%, fuel treatments would be limited to the understory. Burning of piles will not occur within 50 feet of a stream. After mechanical treatments, underburning could be initiated outside of the 50-foot no-treatment buffer and be allowed to back in as long as the underburn is of low intensity and the midlevel and upper canopies are not at risk, and an unburned strip at least 25 feet wide is left next to the stream. These objectives would be met by means such as igniting well outside 50 feet, watering down or

removing fuels around at-risk large woody debris, constructing handlines, *etc.* Suppression crews and equipment will remain on site after prescribed burns to perform post-burn patrol, and mop-up would occur to prevent reburn or fire escape. Treatments with a slashbuster (rotary head masticator mounted on an excavator) will not occur within 50 feet of perennial or intermittent streams. The tracks on the slashbuster would be kept at least 75 feet from perennial or intermittent streams. Within riparian reserves, trees to be removed from the site would be directionally felled to preapproved skid trails. No new skid trails or stream crossings will occur in riparian reserves. Existing skid trails could be used if they are stable and outside of the no treatment zone. After use they will be decompacted, covered with mulch and small diameter slash, and planted. About two miles of existing skid trails within riparian reserves will be decommissioned. No new permanent roads will be constructed in the riparian reserves or matrix lands. About 4.1 miles of existing roads within riparian reserves will receive maintenance, and about one mile of spurs will be constructed outside of riparian reserves and decommissioned after use. Yarding tractors used outside of riparian reserves would be confined to designated skid trails and restricted to soil moisture less than 25%. Low ground pressure equipment (<4 psi) would be permitted without designated skid trails if soil moisture is <20% and it is able to operate on areas with at least 80% slash cover. About 7 miles of existing skid trails outside of riparian reserves will be decommissioned. About 8 miles of road outside of riparian reserves will receive maintenance. Much of the project is in Visual Resource Management (VRM) Class I, meaning that areas visible from the river or country by-way can only be changed in ways not noticeable to someone floating or driving by. Thus, in those areas, vegetation can only be reduced by about 20% per entry, with entries occurring every two to three years. The project will take about 10 years to complete.

Based on information provided by the MBLM and developed during informal consultation, NOAA Fisheries concurs with the MBLM determination that the proposed project is NLAA for the following reasons: (1) A 50-foot no-treatment buffer will occur along all streams; (2) skid trails will be decompacted, mulched and planted; (3) all trees >8 inches dbh within 75 feet of perennial streams will be retained; (4) all trees >12 inches dbh within 150 feet of all streams will be retained; (5) all practices will follow conventional PDFs as described in the BA and EA and utilized in all other MBLM actions of this nature; and (6) the project will occur incrementally over 10 years avoiding a large amount of disturbance at any one time. Therefore, the proposed project is not reasonably certain to cause incidental take of OC coho salmon.

The MBLM must reinitiate this consultation if: (1) New information reveals that effects of the action may affect listed species in a way not previously considered; (2) the action is modified in a way that causes an effect on listed species that was not previously considered; or (3) a new species is listed or critical habitat is designated that may be affected by the action (50 CFR 402.16).

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

Federal agencies are required, under §305(b)(2) of the MSA and its implementing regulations (50 CFR 600 Subpart K), to consult with NOAA Fisheries regarding actions that are authorized, funded, or undertaken by that agency that may adversely affect essential fish habitat (EFH). The MSA (§3) defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." If an action would adversely affect EFH, NOAA Fisheries is required to provide the Federal action agency with EFH conservation recommendations (MSA §305(b)(4)(A)). This consultation is based, in part, on information provided by the Federal action agency and descriptions of EFH for Pacific salmon contained in Appendix A to Amendment 14 to the *Pacific Coast Salmon Plan* (August 1999) developed by the Pacific Fishery Management Council and approved by the Secretary of Commerce (September 27, 2000).

The proposed action and action area are described above in this concurrence letter and in the BA. Designated EFH for various life stages of coho salmon and chinook salmon (*O. tshawytscha*) occurs within and downstream from the project area.

Because the habitat requirements (*i.e.*, EFH) for the MSA-managed species in the project area are similar to that of the ESA-listed species, and because the conservation measures that the MBLM included as part of the proposed action to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to designated EFH, conservation recommendations pursuant to MSA (§305(b)(4)(A)) are not necessary. Since NOAA Fisheries is not providing conservation recommendations at this time, no 30-day response from the MBLM is required (MSA §305(b)(B)).

This concludes consultation under the MSA. If the proposed action is modified in a manner that may adversely affect EFH, the MBLM will need to reinitiate EFH consultation with NOAA Fisheries in accordance with NOAA Fisheries implementing regulations for EFH at 50 CFR 600.920(k).

Please direct questions regarding this letter to Tom Halferty of my staff in the Oregon Habitat Branch at 541.957.3378.

Sincerely,

Muse Liverman for

D. Robert Lohn
Regional Administrator

cc: Jon Raybourn, Grants Pass Resource Area, Medford BLM